

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations Committee

BILL: CS/SB 2660

INTRODUCER: Governmental Operations Committee and Senator Lawson

SUBJECT: Cultural and Historical Programs

DATE: April 16, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Fav/CS
2.	Belcher	Noble	TA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill transfers the Historical Museum Grants program and the Museum of Florida History, established in ch. 267, F.S., from the Division of Historical Resources to the Division of Cultural Affairs, within the Department of State.

The bill permits the Legislative Research Center and Museum at the Historic Capitol to authorize a citizen-support organization to raise funds to support the center and museum. Standard statutory oversight mechanisms for citizen support organizations are required.

The bill also abolishes the Discovery of Florida Quincentennial Commemoration Commission.

This bill appears to have no impact on state appropriations.

This bill amends the following sections of the Florida Statutes: 265.703, 267.0612, 267.0619, 267.071, 267.072, 267.0731, and 272.129.

This bill creates the following sections of the Florida Statutes: 265.7025, 265.704, 265.705, 265.706, 265.707 (renumbering of 267.072), 267.708 (renumbering of 267.0619), and 265.709.

The bill repeals section 267.174, Florida Statutes.

II. Present Situation:

Section 20.10, F.S., establishes the Department of State. Subsection (2) of that section provides that the following divisions of the department are established:

- Division of Elections.
- Division of Historical Resources.
- Division of Corporations.
- Division of Library and Information Services.
- Division of Cultural Affairs.
- Division of Administration.

The Division of Historical Resources (division) is charged with encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of, and public access to, information about Florida's historic sites, properties and objects related to Florida history and to archaeological and folk cultural heritage. The responsibilities related to historic preservation are not only governed by state law but also by the National Historic Preservation Act of 1966 (16 U.S.C. 470). The division administers public information programs, the statewide historic preservation plan, the operation of historic sites and properties, and state and federal grants for historic preservation. Its duties also include the maintenance and operation of Florida's state historic museums, promotion and administration of the Florida Folklife Program, and administration of various archaeological research and preservation programs.

The Division of Historical Resources currently manages the Museum of Florida History, and its programs, located in Tallahassee. Opened in 1977, the Museum of Florida History collects, preserves, exhibits, and interprets evidence of past and present cultures in Florida, and promotes knowledge and appreciation of this heritage. As the state history museum, it focuses on artifacts and eras unique to Florida's development and on roles that Floridians have played in national and global events. Through exhibits, educational programs, research, and collections, the Museum reflects the ways that people have shaped and reacted to their cultural and natural environments. The division also oversees the citizen support organization charged with supporting the Museum as well as the Museum and Capitol gift shops.

The Division of Historical Resources also manages the Historical Museums Grants-in-Aid program, which provides matching support for the development of exhibits on Florida history, as well as for program costs of Florida history museums.

The Division of Historical Resources receives assistance through citizen involvement in various statutorily required advisory councils appointed by the Governor, President of the Senate and Speaker of the House of Representatives as well as those appointed by the Secretary of State: Florida Historical Commission, Great Floridian Ad Hoc Committee, State Historical Marker Council, Florida Folklife Council, and Grove Advisory Council. The Florida Historical

Commission, an 11-member commission, provides assistance, advice and recommendations to the division in establishing priorities for the identification of assessing significance of historic and archaeological sites and properties, evaluating proposals for state historic markers, and evaluating proposals for awards of grants-in-aid. Many of the programs administered by the Division of Historical Resources are governed by ch. 267, F.S., Historical Resources.

The Division of Cultural Affairs awards, administers, monitors, and evaluates Florida's cultural grant programs, as well as plans and implements programs designed to gain national and international recognition on behalf of Florida artists and arts organizations. The division also disseminates arts related information and fosters the development of a receptive climate for the arts in Florida. The division is assisted in carrying out its duties by advisory groups. The Florida Arts Council, a 15-member advisory board, advises the Secretary of State on the distribution of grant awards. The Secretary appoints "Grant Review Panels," composed of artists, arts-related professionals and community cultural leaders, to evaluate requests for funds and make recommendations for grant funding to the Florida Arts Council. Many of the programs administered by the division are governed by ch. 265, F.S., Memorials, Museums, and Fine Arts.

In the 2004 Legislative Session, the Department of State and the Division of Historical Resources were given additional responsibilities through the creation of the Discovery of Florida Quincentennial Commemoration Commission (commission). The commission was subject to appropriation and was placed within the department. The purpose of the commission is to plan and lead the commemoration of Juan Ponce de Leon's discovery of Florida. This is to be done through the development and implementation of a statewide master plan. The law provides for appointment of a commission and authorizes specific powers and duties relative to the development and implementation of the master plan. Special subcommittees are permitted and an advisory committee is required to assist the commission in its responsibilities. Section 267.174, F.S., calls for the commission to hold its initial meeting no later than January 2006 to organize and begin its work. By January 2007, a initial draft of the master plan was to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives. The Department of State has not received legislative funding for the commission since the law passed in 2004. The commission has never been established.

The Legislative Research Center and Museum at the Historic Capitol is provided for in s. 272.129, F.S. The Department of Management Services is responsible for maintenance and preservation of the Historic Capitol and its grounds.

III. Effect of Proposed Changes:

The bill transfers responsibility for the Historical Museum Grants program and the Museum of Florida History from the Division of Historical Resources to the Division of Cultural Affairs. The authority for these programs would be deleted from ch. 267, F.S., and moved to ch. 265, F.S.

The Historical Museums Grants-in-Aid program would be incorporated into the department's grant management system, OASIS (Online Arts Services and Information System). The bill transfers the management from the Division of Historical Resources to the Division of Cultural Affairs by establishing the museum and grant program within the Division of Cultural Affairs statute, ch. 265, F.S., entitled "Memorials, Museums and Fine Arts" and adds definitions

essential to the operation of historical museums, these definitions will now appear in both chapters. Several existing sections in ch. 267, F.S., have also been incorporated into ch. 265, F.S., to ensure the Museum continues to meet accreditation standards of the American Association of Museums, as well as all necessary authority and rights as originally provided in ch. 267, F.S. These provisions include powers and duties of the division, state policy in regards to historic properties, objects of historical or archaeological value, and publications. Those provisions will also remain in ch. 267, F.S.

The bill provides for the incorporation of the Museum's existing citizen support organization into s. 265.703, F.S., along with the existing exemption to protect the anonymity of financial donors to the Museum.

The bill also gives authority to the Division of Cultural Affairs to publish, collect, encourage writing of documents relating to Florida history and to charge for such publication. Revenue collected from this endeavor is to be deposited into the Grants and Donations Trust Fund or into the citizen support organization account subject to provisions in the annual letter of agreement with the Department. This authority for publication will also remain with Division of Historical Resources, in s. 267.081, F.S.

The bill amends the provision in s. 267.0731, F.S., for appointment of members to the Ad Hoc Committee deleting an appointment by the non-profit citizen support organization for the Museum of Florida History.

Currently, s. 267.0731, F.S., identifies the Museum of Florida History as the depository for films or videotapes produced for the Great Floridian Program. The bill amends the statute to provide that the Department of State will be the depository, which permits flexibility within the department for deposits.

The bill amends s. 272.129, F.S., to permit the Legislative Research Center and Museum at the Historic Capitol to authorize a citizen-support organization to support the center and museum. The citizen support organization is authorized to raise funds, apply for and receive grants, collect donations and rental fees on behalf of the center and museum.

The bill repeals s. 267.174, F.S., and thereby, abolishes the Discovery of Florida Quincentennial Commemoration Commission.

The bill is effective on July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Operations on March 27, 2008:

The committee substitute corrects technical deficiencies in the bill, transfers authority for the direct support organization for the State Museum to the Division of Cultural Affairs, and permits the Legislative Research Center and Museum at the Historic Capitol to authorize a citizen support organization that meets certain operational standards.

B. Amendments:

None.